

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3008
)	
V.)	
)	MEMORANDUM
JAVIER MENDOZA,)	AND ORDER
)	
Defendant.)	

The undersigned heard evidence on August 5, 2009 regarding whether the defendant violated his conditions of pretrial release by leaving the half-way house. It is apparent that the defendant did violate his conditions of pretrial release and, since he has pleaded guilty, he must establish that there are conditions that will assure the safety of the community in order to obtain his pretrial release. He has not done so.

The defendant might benefit from another half-way house placement in Omaha and that placement might alleviate my concerns for the safety of the community. At present, I lack any information about whether the defendant could be placed at another suitable half-way house in Omaha. Therefore,

IT IS ORDERED that the petition (filing 46) is granted and the defendant shall be detained. However, the Court will consider a plan for release that involves placement at another half-way house in Omaha should defense counsel file the appropriate motion and supporting documents.

DATED this 6th day of August, 2009.

BY THE COURT:

Richard G. K opf

United States District Judge